

Fleming, Terrence

From: Fleming, Terrence
Sent: Thursday, September 12, 2019 3:40 PM
To: 'Heather Kliebenstein'
Subject: FW: Meet and Confer

Heather, I called you at 3:30 p.m. and left a phone message.
Call if you would like at 612-492-7496.

Terry

From: Fleming, Terrence
Sent: Thursday, September 12, 2019 11:16 AM
To: 'Heather Kliebenstein'
Subject: RE: Meet and Confer

Heather, yes I am available at 3:30 p.m. today.

From: Heather Kliebenstein [mailto:HKliebenstein@merchantgould.com]
Sent: Wednesday, September 11, 2019 6:08 PM
To: Fleming, Terrence
Subject: RE: Meet and Confer

[EXTERNAL E-MAIL]

Terry, are you available for a call at about 3:30 central tomorrow?

From: Fleming, Terrence <TFleming@fredlaw.com>
Sent: Tuesday, September 10, 2019 11:47 AM
To: Heather Kliebenstein <HKliebenstein@merchantgould.com>; Hokans, Christian <CHokans@fredlaw.com>; Pham, Christopher <CPham@fredlaw.com>; Janus, Leah <LJanus@fredlaw.com>
Cc: Allen Hinderaker <AHinderaker@merchantgould.com>; Kristin M. Drieman <KDrieman@merchantgould.com>; Karen Beckman, Ph.D. <kbeckman@merchantgould.com>
Subject: RE: Meet and Confer

CAUTION - External.

Heather, I put on my calendar a meet and confer at 11:30 a.m. but did not respond to your email below.
If you would still like to discuss this please call.

Terry

Fredrikson
ATTORNEYS AT LAW
MINNEAPOLIS, MN

Terrence J. Fleming
Shareholder

tfleming@fredlaw.com
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota
612-492-7496 Phone

612-492-7077 Fax

Brenda Haberman
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From: Heather Kliebenstein [<mailto:HKliebenstein@merchantgould.com>]
Sent: Monday, September 09, 2019 3:04 PM
To: Fleming, Terrence; Hokans, Christian; Pham, Christopher; Janus, Leah
Cc: Allen Hinderaker; Kristin M. Drieman; Karen Beckman, Ph.D.
Subject: RE: Meet and Confer

[EXTERNAL E-MAIL]

Terry, thanks. I will call you at 11:30 tomorrow if that works.

Heather

From: Fleming, Terrence <TFleming@fredlaw.com>
Sent: Monday, September 9, 2019 11:28 AM
To: Heather Kliebenstein <HKliebenstein@merchantgould.com>; Hokans, Christian <CHokans@fredlaw.com>; Pham, Christopher <CPham@fredlaw.com>; Janus, Leah <LJanus@fredlaw.com>
Cc: Allen Hinderaker <AHinderaker@merchantgould.com>; Kristin M. Drieman <KDrieman@merchantgould.com>; Karen Beckman, Ph.D. <kbeckman@merchantgould.com>
Subject: RE: Meet and Confer

CAUTION - External.

Heather,

We are not available today. There are a few filings we are working on.
But I am available anytime tomorrow or Wednesday if you would like to meet and confer then.

Terry

Fredrikson
BYRON, P.A.

Terrence J. Fleming
Shareholder

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From: Heather Kliebenstein [<mailto:HKliebenstein@merchantgould.com>]
Sent: Monday, September 09, 2019 9:25 AM
To: Hokans, Christian; Pham, Christopher; Janus, Leah; Fleming, Terrence
Cc: Allen Hinderaker; Kristin M. Drieman; Karen Beckman, Ph.D.; '15081.0008USZA.active@ef.merchantgould.com'
Subject: Meet and Confer

[EXTERNAL E-MAIL]

Counsel,

I write to request a meet and confer.

We are filing a motion today to strike the declaration of Patrick Sullivan and Federal's statute of limitations defense from Federal's response to FICO's Motion for Summary Judgment. Mr. Sullivan was not disclosed as a witness with knowledge in this case, and FICO is prejudiced as a result. As to Federal's newly asserted affirmative defense of statute of limitations in its summary judgment response, the inclusion of new arguments and new defenses in a summary judgment memorandum is not proper. Further, the discovery period regarding Federal's statute of limitations defense is still open, rendering summary judgment improper.

Please advise whether you will withdraw the Sullivan Declaration and the statute of limitations defense from Federal's response to FICO's Motion for Summary Judgment by **12:00 pm today**. I am available for a phone conference if you would like to discuss these issues.

Best,

Heather

Heather Kliebenstein
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Minneapolis, MN 55402-4247
USA

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Merchant & Gould has moved!

As of August 5th, 2019, our address is:

150 South Fifth Street
Suite 2200
Minneapolis, MN 55402

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